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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 WESCO INSURANCE COMPANY,

8 Plaintiff(s),

9 v.

10 SMART INDUSTRIES CORPORATION,

11 Defendant(s).

Case Nos. 2:16-CV-1206 JCM (CWH)

AMENDED ORDER

12
13 Presently before the court is Magistrate Judge Hoffman's report and recommendation
14 ("R&R"), recommending that defendant Smart Industries Corporation's ("SIC") motion to
15 consolidate (ECF No. 19) be granted. (ECF No. 31). No objections have been filed, and the
16 deadline for filing objections has since passed.

17 This court "may accept, reject, or modify, in whole or in part, the findings or
18 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
19 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
20 determination of those portions of the [report and recommendation] to which objection is made."
21 28 U.S.C. § 636(b)(1).

22 Where a party fails to object, however, the court is not required to conduct "any review at
23 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
24 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
25 magistrate judge's report and recommendation where no objections have been filed. *See United*
26 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
27 employed by the district court when reviewing a report and recommendation to which no
28 objections were made).

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge.

In the underlying motion, SIC requests that the instant case be consolidated with *Wyman v. Smart Industries Corporation*, case number 2:16-cv-02378-RFB-GWF. (ECF No. 19). SIC argues that consolidation would serve the interest of judicial economy because the two cases share a number of questions of fact and law. (ECF No. 19).

The magistrate judge held a hearing on June 6, 2017, wherein he determined that a substantial overlap in questions of law and fact existed between the two cases. (ECF No. 25). As such, the magistrate judge recommends that SIC's motion to consolidate (ECF No. 19) be granted. (ECF No. 31).

Upon reviewing the recommendation and underlying briefs, the court finds that good cause appears to adopt the magistrate judge's findings.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge Hoffman's report and recommendation (ECF No. 31) be, and the same hereby is, ADOPTED in its entirety.

IT IS FURTHER ORDERED that defendant Smart Industries Corporation's motion to consolidate (ECF No. 19) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that the matter of *Wyman v. Smart Industries Corporation*, case number 2:16-cv-02378-RFB-GWF, be, and the same hereby is, CONSOLIDATED into *Wesco Insurance Company v. Smart Industries Corporation*, case number 2:16-cv-01206-JCM-CWH. All future filings shall reference case number 2:16-cv-01206-JCM-CWH.

IT IS FURTHER ORDERED that the clerk shall file a copy of the instant order in case number 2:16-cv-02378-RFB-GWF.

DATED July 21, 2017.

UNITED STATES DISTRICT JUDGE

RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE